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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,353	02/25/2002	Masakazu Sugimoto	52433/682	7090

26646 7590 04/13/2004

KENYON & KENYON  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER

FLANDRO, RYAN M

ART UNIT PAPER NUMBER

3679

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/070,353

Applicant(s)

SUGIMOTO ET AL.

Examiner

Ryan M Flandro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20040223</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 February 2004 has been entered.

### ***Drawings***

2. A drawing (Figure 22) was received on 2/23/04. This drawing is acceptable.

### ***Claim Rejections - 35 USC § 102***

3. Claims 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 50-77653 (hereinafter referred to as "the '653 patent").

a. Claim 19. The '653 patent clearly shows and discloses a joining structure that is reinforced by welding a columnar structural member **5** to a base plate **12** via reinforcing ribs **9** characterized in that said reinforcing ribs **9** are tabular members gradually bent into a shape of U along the surface of the columnar structural member **5** (see e.g. figures 2, 3 and 10); and said gradually bent portions having the shape of U protrude from the surface of said columnar structural member **5** in a manner in which said gradually bent portions are located at an end of said reinforcing ribs **9** opposite to said base plate **12**, wherein said

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reinforcing ribs **9** are welded to both said columnar structural member **5** and to said base plate **12** (see again figures 2, 3 and 10).

Columnar has been defined as “a supporting pillar consisting of a base, a cylindrical shaft, and a capital,” and additionally “something resembling an architectural pillar in form or function.”<sup>1</sup> In view of this definition the structure **5** in the ‘653 patent is understood by the examiner to be within the definition of a “columnar structure” because it resembles an architectural pillar in *function*.

b. Claim 20. The ‘653 patent clearly shows and discloses a joining structure that is reinforced by welding a columnar structural member **5** to a base plate **12** via reinforcing ribs **9** characterized in that said reinforcing ribs **9** are tabular members gradually bent into a shape of V along the surface of the columnar structural member **5** (see e.g. figures 2, 3 and 10); and said gradually bent portions having the shape of V protrude from the surface of said columnar structural member **5** in a manner in which said gradually bent portions are located at an end of said reinforcing ribs **9** opposite to said base plate **12**, wherein said reinforcing ribs **9** are welded to both said columnar structural member **5** and to said base plate **12** (see again figures 2, 3 and 10).

Columnar has been defined as “a supporting pillar consisting of a base, a cylindrical shaft, and a capital,” and additionally “something resembling an architectural pillar in form or function.”<sup>2</sup> In view of this definition the structure **5** in the ‘653 patent is

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<sup>2</sup> *Id.*

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understood by the examiner to be within the definition of a "columnar structure" because it resembles an architectural pillar in *function*.

c. Claim 21. The '653 patent clearly shows and discloses a joining structure that is reinforced by welding a structural member **5** to a base plate **12** via reinforcing ribs **9** characterized in that said reinforcing ribs **9** are tabular members gradually bent into a shape of U along the surface of the columnar member **5** (see e.g. figures 2, 3 and 10); and said gradually bent portions having the shape of U protrude from the surface of said columnar member **5** in a manner in which said gradually bent portions are located at an end of said reinforcing ribs **9** opposite to said base plate **12**, wherein said reinforcing ribs **9** are welded to both said columnar member **5** and to said base plate **12** (see again figures 2, 3 and 10).

d. Claim 22. The '653 patent clearly shows and discloses a joining structure that is reinforced by welding a columnar structural member **5** to a base plate **12** via reinforcing ribs **9** characterized in that said reinforcing ribs **9** are tabular members gradually bent into a shape of V along the surface of the columnar member **5** (see e.g. figures 2, 3 and 10); and said gradually bent portions having the shape of V protrude from the surface of said columnar member **5** in a manner in which said gradually bent portions are located at an end of said reinforcing ribs **9** opposite to said base plate **12**, wherein said reinforcing ribs **9** are welded to both said columnar member **5** and to said base plate **12** (see again figures 2, 3 and 10).

***Response to Arguments***

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4. Applicant's arguments with respect to the cancelled claims and newly added claims 19-22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMF

  
**Lynne H. Browne**  
*Supervisory Patent Examiner*  
Technology Center 3670